

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARCHIBALD CUNNINGHAM,

Plaintiff,

vs.

MARIA SCHOPP, ET AL.,

Defendants.

CASE NO. 18-cv-05900-YGR

**ORDER VACATING DISMISSAL; DIRECTING  
PAYMENT OF FILING FEE OR IFP  
APPLICATION; SETTING COMPLIANCE  
HEARING**

Re: Dkt. Nos. 14

The Motion of Plaintiff Archibald Cunningham for Reinstatement of Complaint is **GRANTED**. A dismissal was entered in this action (originally assigned Case No. 18-mc-80084 before permission to file was granted) on October 10, 2018, for failure to prosecute. (Dkt. No. 8.) That dismissal is **VACATED**. The Clerk shall restore the case to active status.

In light of plaintiff's representations that he did not receive the Court's prior orders directing him to pay the filing fee in this action, the Court again **ORDERS** plaintiff to pay the required filing fee in order to proceed with issuance of summons so that he may effectuate service of the complaint. Plaintiff Archibald Cunningham is directed to pay the \$400.00 filing fee, or file an appropriate application to proceed *in forma pauperis*, by no later than **February 28, 2019**.

The Court **SETS** a compliance hearing of **March 8, 2019**, on the 9:01 a.m. calendar in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1. If compliance is complete, plaintiff need not appear and the compliance hearing will be taken off calendar. Failure to comply by that date may result in dismissal for the above-entitled action without prejudice.

Upon payment of the filing fee, or granting of *in forma pauperis* status, the Court will consider plaintiff's motion to file electronically. (Dkt. No. 15.)

All further filings in this action shall be filed in the above case number; the 18-mc-80084 case number was deemed closed upon granting of pre-filing approval.

The Court notes, for purposes of clarification, that plaintiff's separate action, originally


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assigned Case No. 18-mc-80085 was re-designated as 18-cv-7595 KAW and is presently assigned to Magistrate Judge Kandis A. Westmore.

This terminates Docket No. 14.

**IT IS SO ORDERED.**

Dated: February 5, 2019

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE